



## NEWS & COMMENTARY

# State Lawmakers Are Trying to Ban Talk About Race in Schools



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A nationwide attempt to censor discussions of race in the classroom is underway. In recent weeks, Republican lawmakers across the country have proposed bills banning teaching “divisive concepts” in K-12 public schools and in public colleges and universities. The new bills target efforts to provide education about gender and race discrimination, including [critical race theory](#), an academic concept and practice that recognizes systemic racism is deeply ingrained in American society and examines how our systems promote inequality. Now, state lawmakers are attempting to use these bills to bar educators from teaching critical race theory and related concepts like white privilege and racial equity in schools. These bills don’t just set back progress in addressing systemic issues, they also rob young people of an inclusive education and blatantly suppress speech about race. Some bills also target government contractors and agencies — inspired by an executive order [issued](#) by former President Trump — despite the fact that the EO was struck down in federal court and withdrawn by the Biden administration.

Just last week, Tennessee Republican lawmakers [passed](#) a bill to oppose critical race theory in schools, prohibiting educators from teaching specific concepts like white privilege. The governor of Idaho also recently [signed a bill](#) to ban critical race theory instruction in all public schools, including universities, claiming critical race theory “exacerbates and inflames divisions” in ways that are “contrary to the unity of the nation.” Some state lawmakers, such as in [Louisiana](#), have similarly proposed bills banning these teachings under a similar guise, claiming these concepts are “divisive.” These bills mimic former President Trump’s [order banning](#) diversity training for federal entities and grantees that were deemed “divisive concepts” or “harmful ideologies.” The bills also draw on the 1776 commission report released by the Trump White House that [experts have widely discredited](#) and that President Biden rescinded upon taking office.

What these lawmakers claim are “harmful ideologies” are actually concepts used to educate individuals on systemic barriers and discrimination people of color and other marginalized groups still face in this country across our institutions. Imagine being a middle school history teacher and not being allowed to use concepts or terms like “systemic racism” to teach about slavery. Or being a college student in a political theory course and not being able to raise questions about white privilege. This is exactly what state lawmakers across the country are trying to make happen.

The recent Black Lives Matter movement has shown that people across the country fully acknowledge the realities of systemic racism are still alive and well, and the need to dismantle oppressive systems and pursue change is more important than ever. But rather than engage with these conversations taking place across the country, lawmakers seek to silence individuals, educators, and young people and impose an alternate version of American history – one that erases the legacy of discrimination and lived experiences of Black and Brown people, women and girls, and LGBTQ+ individuals. Our country needs to acknowledge its history of systemic racism and reckon with present day impacts of racial discrimination – this includes being able to teach and talk about these concepts in our schools.

Using these laws to prevent talk about racism is anathema to free speech— a right many conservative lawmakers claim to hold dear. The First Amendment protects the right to share ideas, including the right of listeners to receive information and knowledge. With respect to contractors and grantees, the [Ninth Circuit held](#) that the government cannot prohibit private entities from conducting anti-racism trainings just because they accept some public funding. State legislators would do well to heed this ruling. Likewise, in the university setting, principles of academic freedom protect a professor’s right to make teaching choices without government interference. And even with respect to K-12 education, where states generally have latitude to determine school curricula, these bills overstep the government’s legitimate authority. Instead of encouraging learning, the bills effectively gag educators and students from talking about issues of the most profound national importance, such as the impact of systemic racism in our society. This is a blatant attempt to suppress speech about race these lawmakers disfavor.

Banning conversations about race — and gender and sexuality — in schools also risks maintaining or creating education environments that are unwelcoming to students of color. Researchers and educators [recognize](#) that a school-wide approach involving education and training is necessary to combat harassment and bullying on the basis of race and gender. Laws banning conversations about race jeopardize this important work. Additionally, for students of color, the ability to learn about the experiences and viewpoints of people of color and America’s legacy of racism is critical to feeling connected and equally valued. Outlawing education about racism can alienate students of color from obtaining an education. It also harms the entire student body and risks sewing the very divisions claimed to be avoided. As the Supreme Court recognized in [Brown v. Board of Education](#), “[e]ducation is the very foundation of good citizenship. ... [I]t is a principal instrument in awakening the child to cultural values.” A prohibition on talking about issues of race and racism is a disservice to all students and to society.

This is why it’s critical to protect educators and students’ rights to talk about race and gender in schools. All young people, especially students of color, deserve an inclusive education and the right to express themselves around issues such as race. These anti-critical race theory bills rob young people of an inclusive education and suppress speech about race, and now, it’s up to state governors across the country to veto these harmful bills.